

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION**

AVOYELLES PARISH SCHOOL BOARD

CIVIL ACTION #1:08CV1364

VS.

JUDGE TREMBLE

U.S. DEPT OF INTERIOR

MAGISTRATE JUDGE KIRK

SECOND SUPPLEMENTAL AND AMENDING COMPLAINT FOR RIGHT OF WAY

ON MOTION OF Avoyelles Parish School Board through their attorneys of record CORY P. ROY, JAMES T. LEE AND CHARLES A. RIDDLE, III, who move to Supplement and Amend the original Petition for Right of Way and First Supplemental and Amending Complaint for Right of Way filed herein in the following manner:

I.

To amend and supplement the original Petition for Right of Way and First Supplemental and Amending Complaint for Right of Way by amending paragraph 7 of the original petition to read as follows:

7.

Plaintiff's land is an enclosed estate as defined by Louisiana Law and plaintiff has the right to traverse over property owned by the defendants, to gain access to their property. Plaintiff further alleges that as the owner of an enclosed estate the plaintiff is entitled to said right-of-way for vehicular traffic from a public road at a location to be determined by this Honorable Court. All in accordance to Louisiana Civil Code Articles 689, 690, 691 and 692.

II.

To amend and supplement the original Petition for Right of Way and First Supplemental and Amending Complaint for Right of Way by amending paragraph 10 of

the original and paragraph I of the First Supplemental and Amending Complaint for Right of Way by adding the following paragraphs to read as follows:

10a.

Plaintiff's allege that representatives of Plaintiff have used a road now called Third Crossing Road to access the section 16 property owned by plaintiff for a period in excess of thirty years.

10b.

Plaintiff's further allege that as a result of their usage of the roadway they are entitled to relief under 28 U.S.C. § 2409a.

10c.

Plaintiff's further allege that the exact date of inception of use of the roadway is not known however Plaintiff's allege the usage to be in excess of thirty years.

10d.

Plaintiff seeks access to the public road known as Brouillette Road (La. Hwy. 452/Lake Long Road).

10e.

Plaintiff's further allege that the location of the right of way claimed by plaintiff's is the road known as Third Crossing Road, that the dimensions of which are not known specifically however plaintiff claims a right of way of at least 35 feet in width from the public road known as Brouillette Road (La. Hwy. 452/Lake Long Road) to the section 16 owned by plaintiff. This distance plaintiff's allege to be subject to a survey and determined at a later date by this Honorable Court.

III.

AVOYELLES PARISH SCHOOL BOARD hereby adopts and reiterates all allegations contained in the original Petition for Right of Way and First Supplemental and Amending Complaint.

WHEREFORE, AVOYELLES PARISH SCHOOL BOARD prays that the foregoing Second Supplemental and Amending Complaint for Right of Way be filed and all relief prayed for therein be granted.

RESPECTFULLY SUBMITTED:

OFFICE OF THE DISTRICT ATTORNEY - 12TH JDC - PARISH OF AVOYELLES

BY: /s/ Cory P. Roy
CORY P. ROY (Bar Roll #27066)
Assistant District Attorney
107 North Washington Street
Post Office Box 544
Marksville, Louisiana 71351
(318) 240-7800 – Phone

AND

JAMES T. LEE (Bar Roll #08268)
Assistant District Attorney
Post Office Box 1021
Bunkie, Louisiana 71322
(318) 346-6616-Phone

AND

CHARLES A. RIDDLE, III (Bar Roll #10974)
District Attorney
Post Office Box 1200
Marksville, Louisiana 71351
(318) 253-4220 – Phone